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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Amendment of Section 73.202(b)
Table of Allotments
FM Broadcast Stations
Milano, Texas

) MB Docket No. 02-177
)
)
) RM-
)
)

RECEIVED

AUG 26 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

To: Assistant Chief, Audio Division
Office of Broadcast License Policy
Media Bureau

COMMENTS AND COUNTERPROPOSAL

Roy E. Henderson (hereinafter "Henderson"), licensee of radio station KLTR in Caldwell, Texas, pursuant to Sections 1.415 and 1.420 of the Commission's Rules hereby files the instant Comments and Counterproposal in response to the Notice of Proposed Rulemaking ("NPR") issued in the above-captioned proceeding as released July 5, 2002, (DA 02-1553).

In the NPR David P. Garland (hereinafter "Garland") proposed the allotment of Channel 274A to the community of Milano, Texas as a first service to that community. As noted in the NPR, Milano is a community with a 2000 U.S. Census population of 400 persons, located in the state of Texas.

Conversely, as more fully documented in the attached Engineering Statement in support of this Counterproposal, Henderson in the instant Counterproposal submits a plan which will provide a higher powered C3 FM first service to Bedias, a town of 500 persons, also located in the state of Texas. As part of the counterproposal, the existing channel 297A currently

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occupied by radio station KLTR in Caldwell, Texas, would be relocated and upgraded to channel 297C3 in Bédias, with new channel 274A then allotted to Caldwell as an equivalent replacement channel there. Henderson requests that his existing license for KLTR then be modified to reflect its new operation on channel 297C3 in Bédias.

Henderson also states his full commitment here that upon allotment of new channel 274A to Caldwell, he will promptly apply for and construct a new station on channel 274A in Caldwell. Under Henderson's proposal, a new higher-powered first service will be provided to the town of Bédias and an equivalent Class A replacement service will be provided to Caldwell resulting in greater service and public interest benefits beyond those suggested in the original NPR. As this proposal is mutually exclusive with the original proposal, it is properly filed as a counterproposal to be considered in this Docket. Henderson requests that the Table of Allocations be amended as follows:

City	Present	Proposed
Caldwell, Texas	297A	274A
Bédias, Texas	-	297C3

I. Allocation of New Channel 274A to Caldwell, Texas.

As noted in the attached Engineering Statement, with a slight modification of the existing reference coordinates of the

co-channel allocation in Centerville, Texas, channel 274A may be allocated to Caldwell in full compliance with all applicable FCC spacing rules. The Engineering Statement sets forth the modified reference coordinates for Centerville as well as a specified set of reference coordinates for Caldwell along with a channel computer study verifying compliance with all spacing rules and requirements. As such, channel 274A may be allocated to Caldwell as requested.

The Commission has in the past ruled favorably upon re-allocation of an existing service where the proponent has also proposed an equivalent replacement channel along with a pledge that it would apply for and build a new station on that channel when allotted. See Oakville, Washington et al, DA 02-159 (2002); Albion and Columbus, Nebraska, 8 FCC Rcd 2876 (1993); Llano and Marble Falls, Texas, 12 FCC Rcd 6809 (1997). Henderson has included such an unqualified pledge here and the public interest would be well served by allocating new channel 274A to Caldwell.

II. Relocation of channel 297A from Caldwell, Texas, to Provide a New First Service on Channel 297C3 in Bédias, Texas.

The city of Bédias is a census designated place with its own Post Office, and zip code (77831), which had a 2000 population of 500 persons (2001 Rand McNally Road Atlas), and is located in the northeast part of Grimes County, Texas. The town is named for the Bidai Indians and was first settled in 1835 by Thomas Plaster for whom it was first named ("Plasterville"). Subsequently, the Bédias Post Office was established in the late 1800's and its first church constructed in 1848. Bédias is a separately listed

community in the local telephone directory and presently lists fifteen local businesses and a total of thirty businesses showing a web site in Bédias (see attachment), with its local affairs and interests governed by a committee of the Bédias Civic Association. Bédias also includes the State Bank of Bédias, a civic center, and a volunteer fire department along with six churches. As such, the long-established town of Bédias qualifies as a community deserving of a new local radio service as proposed by Henderson.

Since this proposed change in allotment could not be completed without use of the licensee's present assignment it is submitted that it is consistent with Section 1.420(i) of the Commission's rules and should be protected as such. It is therefore requested that upon approval of the requested reallocation, the existing license of KLTR(FM) be modified to specify operation on the new channel and community, and Henderson herewith states his full commitment to build and operate that new station on Channel 297C3 in Bédias.

III. Conclusion

In sum, it is submitted that the instant Counterproposal is clearly superior to the original proposal for Milano as set forth in the NPR and preferable to that original proposal since it will result in the most efficient use of the available allocations in the area by providing a new service to a larger town and with a higher power classification, thereby providing the public with the greatest amount of service, both in terms of area and

population, consistent with the priorities as set forth by the Commission in Revision of FM Assignment Policies and Procedures, 51 P&F RR 807, 810 (1982), and as further set forth in Columbus, Nebraska, et.al., 51 Fed. Reg. 4926, Feb. 10, 1986. For these reasons, it is respectfully submitted that the instant Counterproposal is in the public interest and should be adopted.

Respectfully submitted,

ROY E. HENDERSON

by



Robert J. Buenzle

H's Counsel

Law Offices
Robert J. Buenzle
11710 Plaza America Drive
Suite 2000
Reston, Virginia 20190
(703) 430-6751

August 26, 2002

HENDERSON ATTACHMENT

214.941.5850

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Welcome!

Web Pages of Businesses in Bédias, Texas!

THE BUSINESS INDEX

Instructions

Use your Web Browser's FIND option to locate a business name or scroll. Clicking on the business will take you to that location. After entering a page, you can use your BACK OPTION to get you back to this page.

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#

[2 K ROPING SUPPLIES](#)

A

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B

BEARS DEN

C

CAMACHO'S FILTER CLEANING SERVICES

CHEROKEE'S TRADING POST

CONNIE S MERHLEY

CROSS COUNTRY CATERING

D

DAVIS FEED AND HARDWARE

DOMINIQUE ENTERPRISES

E

ELPAL ENTERPRISES

H

HALFWAY LUMBER COMPANY

HERB N RUB

I

ISREAL CURTIS AUCTION COMPANY

L

LION STAR

LONE STAR COUNTRY CRITTERS

LOOKADOO WELDING SERVICES INC

M

MCCOY'S ARMORY

MISSOURI HERB FARM

R

RAW ENTERPRISES
ROBBINS RANCHES

S

S & R ENTERPRISES
SLICK SKINS
SPARKLING CREATIONS
SYNERGY RESOURCES

T

TEXAS CHARMS
THE CROZ NEST
THE WEENIE WAGON
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Business Listings in in Bédias, Texas

Miscellaneous retail (59)

Used Merchandise Stores

CHEROKEE'S TRADING POST
HWY 90 S
BÉDIAS, TX 77831
409/395-0506

MCCOY'S ARMORY
HOPEWELL CHURCH RD
BÉDIAS, TX 77831
409/874-2388

THE CROZ NEST
21914 GRIMES ST
BÉDIAS, TX 77831
409/395-4551

Sporting Goods Stores and Bicycle Shops [Home](#)

2 K ROPING SUPPLIES
6 MI E OF BÉDIAS ON FM 1696 ON LFT
BÉDIAS, TX 77831
409/291-9181

ANATOMY TARGET COMPANY INC
15 MI WEST OF HUNTSVILLE ON STATE HWY 30
BÉDIAS, TX 77831
409/874-2800

BEARS DEN
CR 132 @ LOT 7
BÉDIAS, TX 77831
409/395-1503

DOMINIQUE ENTERPRISES
TRK #77 PEACEFUL PLACE II
BÉDIAS, TX 77831
409/395-8942

LION STAR
@ HWY 30 15 MILES FROM HUNTSVILLE
BÉDIAS, TX 77831
409/874-2800

Gift, Novelty, and Souvenir Shops Home

CONNIE S MERHLEY
PO BOX 7
BÉDIAS, TX 77831
409/395-0105

Fuel Dealers, NEC Home

RAW ENTERPRISES
105 HWY
BÉDIAS, TX 77831
409/395-8732

Florists Home

SPARKLING CREATIONS
MAIN @ GRIMES 1 BLK OFF HWY 90
BÉDIAS, TX 77831

409/395-7673

Miscellaneous Retail Stores, NEC Home

ELPAL ENTERPRISES
14794 HIGHWAY 90 N
BÉDIAS, TX 77831
409/395-2774

LONE STAR COUNTRY CRITTERS
92 SHANNON PLACE ESTATES
BÉDIAS, TX 77831
409/395-0043

S & R ENTERPRISES
26324 BÉDIAS DR
BÉDIAS, TX 77831
409/395-9216

TEXAS CHARMS
25665 BANKHEAD DR
BÉDIAS, TX 77831
409/395-2005

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HENDERSON ENGINEERING EXHIBIT

Engineering Statement

On Behalf of Roy E. Henderson

We have been asked to prepare the engineering for a counterproposal to Docket 02-177 which proposes to add channel 274A to Milano, Texas. Roy H. Henderson proposes that channel 274A be allocated to Caldwell, Texas instead of Milano. Further, Roy E. Henderson proposes to delete the existing channel 297A allocation at Caldwell while adding channel 297C3 to Bedias, Texas.

Milano to Caldwell:

In order to accommodate channel 274A at coordinates that would serve Caldwell, it is necessary to change the reference coordinates of the co-channel allocation at Centerville, Texas to:

Channel 274A, New Centerville Reference Coordinates:

32 15 30 N. Lat. (NAD 27)
95 50 33 W. Lng.

Attachment A is a single channel computer study showing that the minimum spacings requirements of Section 73.207 (b.) (1) are fully met. Attachment B, is a coverage map showing that the 70 dBu, F(50-50), signal contour of the proposed class A allocation, operating at a maximum class antenna height of 100 meters HAAT and an ERP of 6 kW, will cover the entire city of Centerville.

After moving the reference coordinates of the Centerville allocation, the allocation for channel 274A at Caldwell can be located at:

Channel 274A, Caldwell Reference Coordinates:

30 38 35 N. Lat. (NAD 27)
96 48 22 W. Lng.

Attachment C is a single channel computer study showing that channel 274A can be assigned at the above referenced coordinates while meeting all of the Commission's minimum spacings requirements. Attachment D is a coverage

map showing that the FCC F(50-50), 70 dBu signal contour of a full facility, class A, station will serve more than 90 percent of the city of Caldwell. ¹

Roy E. Henderson proposes that the channel 297A (KLTR), Caldwell, Texas allocation be deleted and that channel 297C3 be assigned to Bedias, Texas. This can be accomplished by using the Bedias city coordinates:

Proposal to add 297C3 to Bedias:

30 46 32 N. Lat. (NAD 27)
95 56 57 W. Lng

Bedias has a population of 500 people based on the Rand McNally Atlas – 2001. We have used the PL 94-171 US Census 2000 to confirm this figure. Attachment E, is a single channel computer study showing that channel 297 can be assigned to Bedias at the above referenced coordinates. All Section 73.207 (b.) (1) minimum separations are fully met. Since the Bedias central city coordinates were used, it is clear that the proposed allocation site would serve Bedias with a 70 dBu or better signal strength.

Summary of counterproposal:

City	Existing	Proposed*
Milano	-	-
Caldwell	297A	274A
Bedias	-	297C3

* Change Reference coordinates of CH 274A allocation proposal.

See attachment – Engineering A1 for a declaration of the credentials of the preparer.

Doug Vernier
August 22, 2002

¹ The terrain roughness (Delta H) of the path to the transmitter is 15. Longley-Rice analysis shows that the 70 dBu predicted signal contour travels more than 10% further than the FCC predicted 70 dBu contour on an azimuth toward Caldwell. The Longley-Rice "first occurrence" 70 dBu signal contour completely covers the city of Caldwell. Therefore, we believe that 100% of the city of Caldwell will be served by a 70 dBu signal or better. The Longley-Rice study to which we refer is on file at our offices.

Declaration:

I, Douglas L. Vernier, declare that I have received training as an engineer from the University of Michigan School of Engineering. That, I have received degrees from the University in the field of Broadcast Telecommunications. That, I have been active in broadcast consulting for over 25 years;

That, I have held a Federal Communications Commission First Class Radiotelephone License continually since 1984. In 1985, this license was reissued by the Commission as a lifetime General Radiotelephone license no. PG-16-16464;


That, I am certified as a Professional Broadcast Engineer (#50258) by the Society of Broadcast Engineers, Indianapolis, Indiana. (Re-certified 10/2000.)

That, my qualifications are a matter of record with the Federal Communications Commission;

That, I have been retained by the Roy E. Henderson of Flower Mound, Texas to prepare the engineering showings appended hereto;

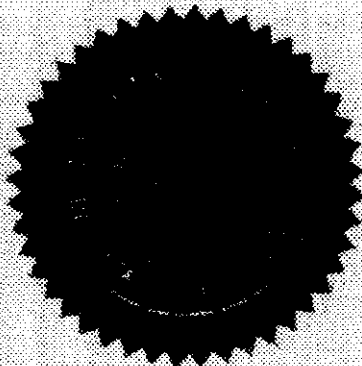
That, I have prepared these broadcast engineering showings, the technical information contained in same and the facts stated within are true of my knowledge;

That, under penalty of perjury, I declare that the foregoing is correct.

 Douglas L. Vernier

Executed on August 21, 2002

Subscribed and sworn before me this 21st day of August 2002




Notary Public in and for the State of Iowa

A

Doug Vernier Telecommunication Consultants
 1600 Picturesque Dr. Cedar Falls, IA 50613
 Roy Henderson - Centerville Study
 Milano to Caldwell - New Reference Coordinates

REFERENCE
 31 15 30 N
 95 50 33 W

CLASS = A
 Current Spacings

DISPLAY DATES
 DATA 08-22-02
 SEARCH 08-22-02

----- Channel 274 - 102.7 MHz -----

Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 274A	Centerville	TX	7.78	260.6	115.0	-107.22
RADD	ADD 274A	Milano to Caldwell	TX	114.59	233.6	115.0	-0.41
KBLZ.C	CP 274C3	Winona	TX	142.88	28.6	142.0	0.88
One-step application from Channel 274A							
KBLZ	LIC 274C3	Winona	TX	142.88	28.6	142.0	0.88
ALLO	USE 274C3	Winona	TX	142.88	28.6	142.0	0.88
KBRQ	LIC 273C1	Hillsboro	TX	139.88	297.0	133.0	6.88
ALLO	USE 273C1	Hillsboro	TX	139.92	297.1	133.0	6.92
Coordinates updated from LIC record				BLH840326AS			
KLTN	LIC 275C	Houston	TX	173.30	163.7	165.0	8.30
ALLO	USE 275C	Houston	TX	173.30	163.7	165.0	8.30
Coordinates updated from LIC record				BLH870918KA			
KWYX	LIC 274C2	Jasper	TX	180.67	96.5	166.0	14.67
From Channel 272A per D88-256.							
KWYX.C	CP 274C2	Jasper	TX	180.67	96.5	166.0	14.67
ALLO	USE 274C2	Jasper	TX	181.77	94.0	166.0	15.77
ALLO	USE 275C	Dallas	TX	181.70	324.3	165.0	16.70
Coordinates updated from LIC record				BLH880718IG			
KDMX	LIC 275C	Dallas	TX	181.70	324.3	165.0	16.70
KJCS.C	CP 277C1	Nacogdoches	TX	99.44	78.4	75.0	24.44
KLJT	LIC 272C2	Jacksonville	TX	93.50	43.0	55.0	38.50
KLJT.C	CP 272C2	Jacksonville	TX	93.50	43.0	55.0	38.50
From Channel 272A per D98-57							
ALLO	USE 272C2	Jacksonville	TX	94.80	42.9	55.0	39.80
KJCS	LIC 277C2	Nacogdoches	TX	99.44	78.4	55.0	44.44
ALLO	RSV 277C2	Nacogdoches	TX	99.44	78.4	55.0	44.44
NULL							
KVJM	LIC 276A	Hearne	TX	81.29	227.2	31.0	50.29
ALLO	USE 276A	Hearne	TX	82.60	237.0	31.0	51.60

B

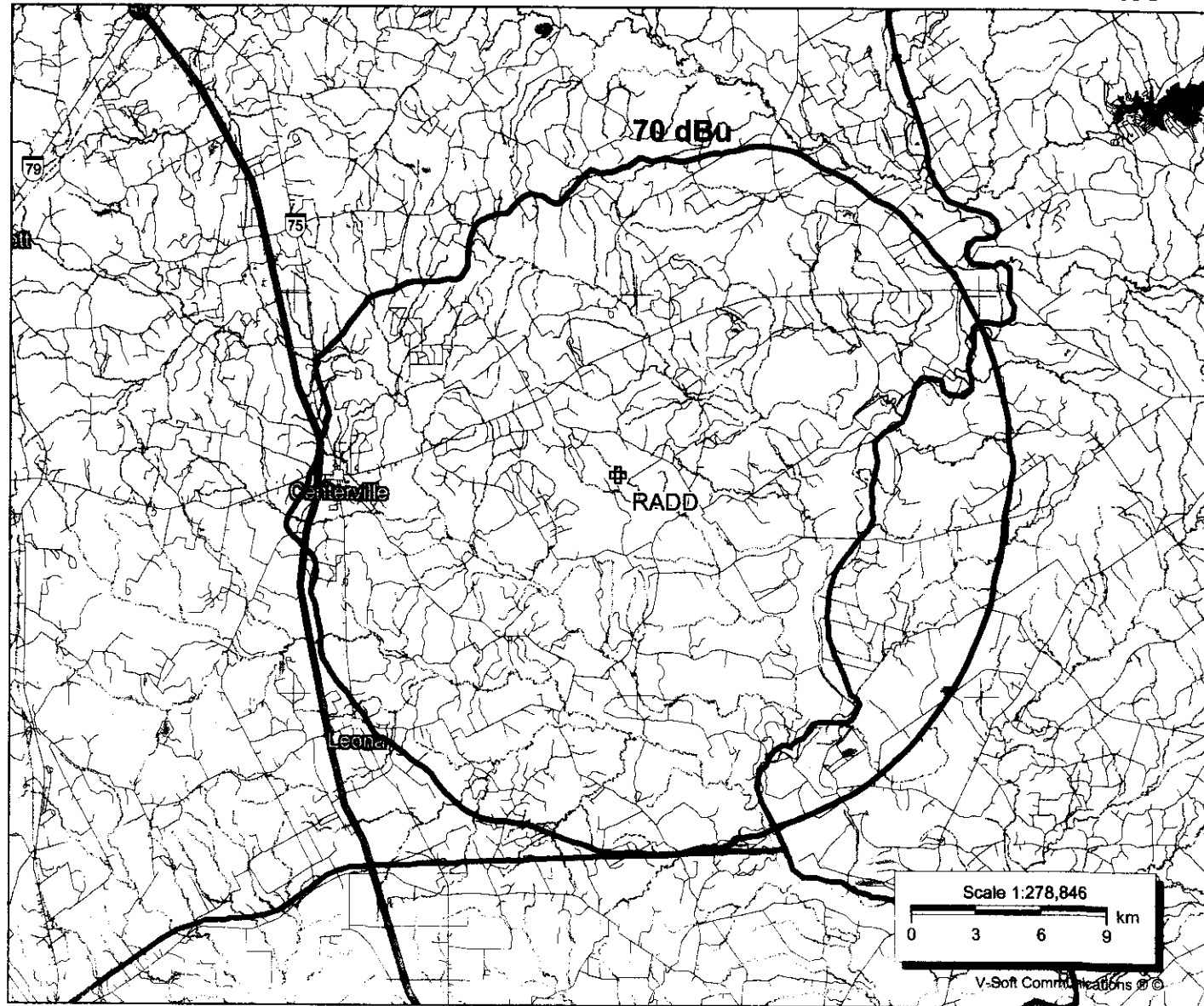
Street Level

70 dBu at New Centerville Coordinates

RADD

Latitude: 31-15-30 N
Longitude: 095-50-33 W
ERP: 6.00 kW
Channel: 274
Frequency: 102.7 MHz
AMSL Height: 188.222 m
Elevation: 91.0 m
HAAT: 100.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0150
Dielec Const: 15.0
Refractivity: 310.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 50.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

V Doug Vernier
1600 Picturesque Drive
Cedar Falls, Iowa 50613
Telecommunication Consultants
dvernier@vcc.com 319.266.1882



C

Doug Vernier Telecommunication Consultants
1600 Picturesque Dr. Cedar Falls, IA 50613
Roy E. Henderson
Milano to Caldwell at New Reference Coordinates

REFERENCE
30 38 35 N
96 48 22 W

CLASS = A
Current Spacings

DISPLAY DATES
DATA 08-22-02
SEARCH 08-22-02

----- Channel 274 - 102.7 MHz -----

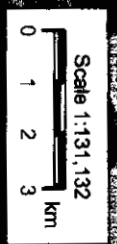
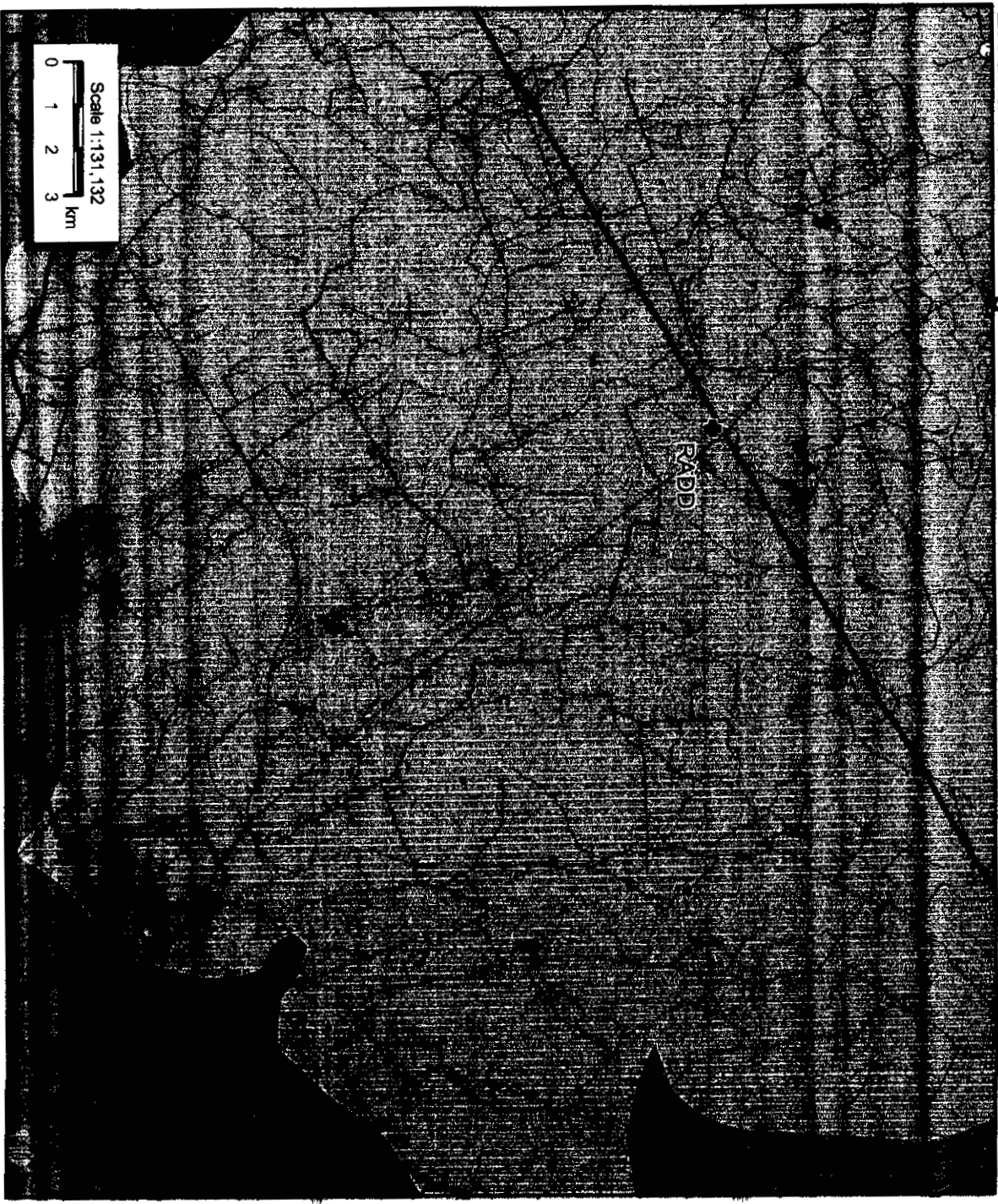
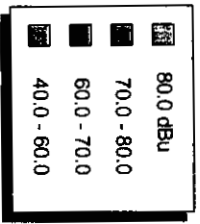
Call	Channel	Location		Dist	Azi	FCC	Margin
RADD	ADD 274A	Milano	TX	14.08	266.9	115.0	-100.92
980922	APP 220A	Caldwell	TX	9.58	181.1	10.0	-0.42
RADD	ADD 274A	Centerville	TX	114.59	53.1	115.0	-0.41
ALLO	USE 276A	Hearne	TX	32.51	44.4	31.0	1.51
KBRQ	LIC 273C1	Hillsboro	TX	135.09	345.7	133.0	2.09
ALLO	USE 273C1	Hillsboro	TX	135.26	345.8	133.0	2.26
Coordinates updated from LIC record				BLH840326AS			
KVJM	LIC 276A	Hearne	TX	35.00	68.1	31.0	4.00
ALLO	USE 275C	Houston	TX	172.10	124.6	165.0	7.10
Coordinates updated from LIC record				BLH870918KA			
KLTN	LIC 275C	Houston	TX	172.10	124.6	165.0	7.10
KTFM.C	CP 274C1	San Antonio	TX	211.22	230.3	200.0	11.22
KTFM	LIC 274C1	San Antonio	TX	211.26	230.3	200.0	11.26
ALLO	USE 274C1	San Antonio	TX	211.26	230.3	200.0	11.26
Coordinates updated from LIC record				BLH801009AC			
RADD	ADD 273C1	Columbus	TX	146.93	170.0	133.0	13.93
Counterproposal: Change from CH 252A, Upgrade and Change site; Loc 40.9 km S outh of Columbus							
980515	APP 220C3	College Station	TX	35.00	68.1	12.0	23.00
980410	APP 220A	Bryan	TX	35.00	68.1	10.0	25.00
980909	APP 220A	Bryan	TX	36.74	82.0	10.0	26.74
980909	APP 220A	Bryan	TX	36.74	82.0	10.0	26.74
KTSR	LIC 221A	College Station	TX	43.20	91.1	10.0	33.20
To amend to channel 236C2 Per D91-58-From channel 297C3-Petition for Recon D91-58 950804-Petition Denied 960509-Application for Review 960610							
RADD	ADD 273A	Columbus	TX	106.83	167.9	72.0	34.83
Amendment to Counterproposal; Change from Ch. 252A.							
ALLO	VAC 273C1	Bay City	TX	174.79	168.1	133.0	41.79

D

LR and FCC Coverage

FCC 70 dBu Coverage to Caldwell

RADD
Latitude: 30-38-35 N
Longitude: 096-48-22 W
ERP: 6.00 kW
Channel: 274
Frequency: 102.7 MHz
AMSL Height: 231.398 m
Elevation: 142.47 m
HAAT: 100.0 m
Horiz. Pattern: Omni
Vert. Pattern: No
Prop Model: Longley/Rice
Climate: Cont temperature
Conductivity: 0.0150
Dielec Const: 15.0
Refractivity: 310.0
Receiver Ht AG: 9.1 m
Receiver Gain: 0 dB
Time Variability: 50.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast



Doug Vernier Telecommunication Consultants
1600 Picturesque Dr. Cedar Falls, IA 50613

Roy Henderson
Bedias Allocation - (For KLTR)

REFERENCE

30 46 32 N
95 56 57 W

CLASS = C3
Current Spacings

DISPLAY DATES

DATA 08-20-02
SEARCH 08-20-02

----- Channel 297 - 107.3 MHz -----

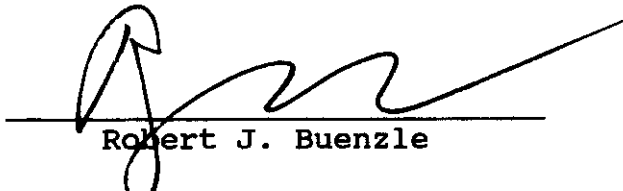
Call	Channel	Location		Dist	Azi	FCC	Margin
ALLO	VAC 297C3	College Station	TX	25.23	236.4	153.0	-127.77
KLTR.A	APP 297C3	Caldwell	TX	53.61	244.7	153.0	-99.39
KLTR.A	APP 297C3	Caldwell	TX	53.61	244.7	153.0	-99.39
ALLO	VAC 297C3	Caldwell	TX	56.39	251.0	153.0	-96.61
ALLO	VAC 297C3	Caldwell	TX	56.39	251.0	153.0	-96.61
ALLO	RSV 297A	Caldwell	TX	65.11	248.4	142.0	-76.89
KLTR	LIC 297A	Caldwell	TX	65.11	248.4	142.0	-76.89
KLDE	LIC 298C	Lake Jackson	TX	178.86	157.2	176.0	2.86
KHPT	LIC 295C	Conroe	TX	99.58	127.2	96.0	3.58
KISX	LIC 297C2	Whitehouse	TX	182.27	22.7	177.0	5.27
RDEL	DEL 297A	Nolanville	TX	159.88	283.2	142.0	17.88
KLFX.A	APP 297A	Nolanville	TX	159.88	283.2	142.0	17.88
KLFX	LIC 297A	Nolanville	TX	161.44	282.9	142.0	19.44
KJAS.C	CP 297C3	Jasper	TX	178.94	85.1	153.0	25.94
From Channel 297A-One Step Application							
KJAS	LIC 297A	Jasper	TX	188.66	82.7	142.0	46.66
To amend to Channel 297C3 per One Step Application 970918IA							

CERTIFICATE OF SERVICE

I, Robert J. Buenzle, do hereby certify that copies of the foregoing Comments and Counterproposal have been served by United States mail, postage prepaid this 26th day of August, 2002, upon the following:

John A. Karousos, Esq.
Assistant Chief, Audio Division
Office of Broadcast License Policy
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Robert J. Buenzle